

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 22-cv-20712-RKA

PENINSULA PETROLEUM LIMITED,

Plaintiff,

v.

CI INTERNATIONAL FUELS LLC,

Defendant. /

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR EXTENSION OF
TIME TO FILE REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS
FOR FORUM NON CONVENIENS**

Plaintiff, Peninsula Petroleum Limited (“Peninsula” or “Plaintiff”), by and through its undersigned counsel, and respectfully opposes the Motion for Extension of Time to Reply to Plaintiff’s Response in Opposition to Defendant’s Motion to Dismiss Complaint filed by Defendant, CI International Fuels LLC (“CI Int’l” or “Defendant”) in the above-captioned proceeding (Dkt. 62. “Defendant’s Motion”).

Peninsula respectfully submits that Defendant’s Motion is nothing more than a needless delay of the matter, which, despite remaining on this Court’s docket since March of 2022, has yet to reach the responsive pleading stage. Defendant previously sought an extension (on the eve of its response date to the Amended Complaint) under the guise that it engaged new counsel who needed time to review the matter. [See Dkt. 41.] It then filed another motion to dismiss (Dkt. 52 “Defendant’s Underlying Motion”) which did not even address the newly added claim. Indeed, Defendant’s Underlying Motion contained less than nine pages of substance and was merely a rehashing of the very same arguments made in Defendant’s original Motion to Dismiss (Dkt. 26).

The Underlying Motion offered no new facts and, instead, relied upon the previously filed declaration of Jaime Ochoa.

By the same token, Defendant does not need several more weeks to submit a re-hashing of the exact same points it made in reply on Defendant's original Motion to Dismiss. And contrary to Defendant's assertion otherwise, a fifteen-day delay would indeed cause prejudice to Plaintiff, as it would be that much longer before this Court would be able to rule on Defendant's Underlying Motion.

The Local Rules of the Southern District of Florida afford parties seven days to file their reply briefs, and limits said briefs to ten pages, for a clear reason: they are to be "strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the movant's initial memorandum of law." [S.D. Fla. Local Rule 7.1(c)(1).] Moreover, Defendant was already afforded a full thirty-day extension of time to file its Underlying Motion. [See Dkts. 41 and 42.]

WHEREFORE, Peninsula respectfully requests that this Honorable Court deny Defendant's Motion for Extension of Time to Reply to Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Complaint.

Dated: January 25, 2023

Respectfully submitted,

By: /s/ Evan S. Gutwein
HAMILTON, MILLER, & BIRTHISEL LLP
Jerry D. Hamilton (FBN 970700)
jhamilton@hamiltonmillerlaw.com
Evan S. Gutwein (FBN 58741)
egutwein@hamiltonmillerlaw.com
150 S.E. Second Avenue, Suite 1200

Miami, Florida 33131
(305) 379-3686 (telephone)
(305) 279-3690 (facsimile)
Attorneys for Plaintiff

-and-

ZEILER FLOYD ZADKOVICH (US) LLP
Luke Zadkovich, Esq.
luke.zadkovich@zeilerfloydzad.com
(Admitted *Pro Hac Vice*)
Joseph Johnson, Esq.
joe.johnson@zeilerfloydzad.com
(Admitted *Pro Hac Vice*)
215 Park Avenue, 11th Floor
New York, NY 10003
(917) 375-9511

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 25, 2023 I electronically filed this document using the Court's CM/ECF system, which will automatically serve a copy on all counsel of record.

By: Evan S. Gutwein

<p>SANCHEZ VADILLO, LLP Lori Dilican ldilican@svlawus.com 11402 NW 41st St, Suite 202 Doral, Florida 44178 (305) 436-1410 (telephone) (305) 436-0191 (facsimile) Attorneys for Defendant</p>	<p>HAMILTON, MILLER, & BIRTHISEL LLP Evan S. Gutwein (FBN 58741) egutwein@hamiltonmillerlaw.com 150 S.E. Second Avenue, Suite 1200 Miami, Florida 33131 (305) 379-3686 (telephone) (305) 279-3690 (facsimile) and ZEILER FLOYD ZADKOVICH (US) LLP Luke Zadkovich, Esq. Luke.zadkovich@zeilerfloydzad.com (Admitted <i>Pro Hac Vice</i>) Joseph Johnson, Esq. joe.johnson@zeilerfloydzad.com (Admitted <i>Pro Hac Vice</i>)</p>
---	---

	<p>215 Park Avenue, 11th Floor New York, NY 10003 (917) 375-9511</p> <p><i>Attorneys for Plaintiff</i></p>
--	--